

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES LICKLITER,

Plaintiff,

vs.

HARTFORD UNDERWRITERS  
INSURANCE COMPANY, et al.,

Defendants.

Case No. 2:12-cv-01931-GMN-NJK

ORDER DENYING DISCOVERY PLAN  
(Docket No. 16)

Pending before the Court is the parties' proposed joint discovery plan, Docket No. 16, which is **DENIED** for the reasons discussed below.

The pendency of a motion to dismiss alone does not in itself stay discovery deadlines. *See, e.g., Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011) ("The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending."). Indeed, the Local Rules are written to make clear that the deadlines for the Rule 26(f) conference and, consequently, the filing of the proposed discovery plan are triggered when the first defendant "answers *or otherwise appears*." Local Rule 26-1(d) (emphasis added). Similarly the presumptively reasonable discovery period is 180 days from the date the first defendant "answers *or appears*." *See* Local Rule 26-1(e)(1) (emphasis added).

Defendant filed a partial motion to dismiss in this case on November 16, 2012. Docket No. 5. The Rule 26(f) conference was required to be held within 30 days thereafter, or December 17, 2012.

1 See Local Rule 26-1(d) ("Counsel for plaintiff shall initiate the scheduling of the Fed. R. Civ. P. 26(f)  
2 meeting within thirty (30) days after the first defendant answers or otherwise appears"). The stipulated  
3 discovery plan was due 14 days thereafter, or January 2, 2013. See Local Rule 26-1(d) ("Fourteen (14)  
4 days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties shall submit a stipulated  
5 discovery plan and scheduling order").

6 The parties failed to comply with the above deadlines for holding the Rule 26(f) conference and  
7 submitting their stipulated discovery plan. See Docket No. 16 (Rule 26(f) conference held on February  
8 25, 2013; stipulated discovery plan filed February 26, 2013). Moreover, the parties seek a discovery  
9 period of 182 days from the date of their late-held Rule 26(f) conference. See *id.* at 2. This is a  
10 discovery period roughly 103 days beyond the presumptively reasonable 180-day discovery period  
11 calculated from the date of Defendant's first appearance. The parties fail to provide any explanation  
12 why the Court should grant an extended discovery period, as required by Local Rule 26-1(d).

13 For the reasons discussed above, the pending stipulated discovery plan is **DENIED**. The parties  
14 are ordered, no later than March 4, 2013, to file another proposed discovery plan that either (1) is based  
15 on the 180-day discovery period outlined in Local Rule 26-1(e)(1) or (2) provides explanation why a  
16 longer period should be granted.

17 IT IS SO ORDERED.

18 DATED: February 27, 2013

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NANCY J. KOPPE  
United States Magistrate Judge